

and misbranded. The product was contained in gallon, quart, and pint bottles, the gallon size having the statement "One Gallon" blown in the bottle and the statement "12 oz." printed on the label, and the quart and pint sizes having the statements "32" and "16 oz.", respectively, printed on the labels. The article was further labeled: "S. S. P. Brand Vinegar 65% Distilled and 35% Sugar Reduced to 4% Acetic Strength Distributed by Sunny South Products Co. * * * Memphis, Tenn."

The article was alleged to be adulterated in that a product deficient in acidity, since it contained less than 4 percent of acetic acid, had been substituted for vinegar containing 4 percent of acetic acid, which the article purported to be.

Misbranding was alleged for the reason that the statement "Vinegar * * * Reduced to 4% Acetic Strength", borne on the bottle labels, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it contained less than 4 percent of acetic acid. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the statements on the labels were not in proper form and were not all correct, since the pint bottles bore the statement "16 oz.", whereas they should have been labeled "One Pint", one of the bottles so labeled being only of 14-ounce capacity; the gallon bottles bore on the label the statement "12 oz.", whereas they should have been labeled "One Gallon"; and the quart bottles bore on the label the statement "32", whereas they should have been labeled "One Quart."

On November 24, 1934, a plea of guilty was entered and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

23880. Adulteration of butter. U. S. v. Genoa Cooperative Creamery Co. Plea of guilty. Fine, \$10. (F. & D. no. 32175. Sample no. 40363-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat.

On June 19, 1934, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Genoa Cooperative Creamery Co., a corporation, Genoa, Wis., alleging shipment by said company in violation of the Food and Drugs Act on or about August 30, 1933, from the State of Wisconsin into the State of Illinois, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by act of Congress of March 4, 1923.

On November 12, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

23881. Adulteration of canned salmon. U. S. v. Superior Packing Co. Plea of guilty. Fine, \$300 and costs on count 1; \$300 on each of remaining counts; fines on all counts but first suspended. (F. & D. no. 32184. Sample nos. 15274-A, 15284-A, 25566-A, 25576-A, 25578-A, 25581-A, 25582-A, 25584-A, 25585-A, 25586-A, 25587-A, 25607-A, 25610-A, 25612-A, 25617-A, 25618-A.)

U. S. v. Superior Packing Co. (3 informations). Pleas of guilty. Fines, \$300 and costs in each case; fines suspended on payment of costs. (F. & D. nos. 32179, 32180, 32185. Sample nos. 5193-A, 5194-A, 5195-A, 7725-A, 13315-A, 18430-A, 21010-A, 21761-A, 26763-A, 26764-A, 26769-A, 26770-A, 26783-A, 26784-A, 16786-A, 28818-A, 28819-A, 28820-A, 30706-A.)

These cases were based on shipments of canned salmon, samples of which were found to be tainted or stale.

On September 17, September 21, and October 11, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court four informations against the Superior Packing Co., a corporation, Seattle, Wash., alleging shipment by said company between the dates of July 9 and September 6, 1932, from Tenakee, Alaska, into the State of Washington of quantities of salmon which was adulterated; and between the dates of August 19 and October 8, 1932, from the State of Washington into the States of Illinois, Pennsylvania, Mon-

tana, Ohio, Texas, and Georgia, of quantities of canned salmon which was adulterated. The article in certain shipments was unlabeled. The remainder was labeled in part: "Hypatia Brand * * * Salmon * * * Oceanic Sales Co. Seattle, U. S. A. Distributors"; "Ocean Spray Brand * * * Packed for Fishermen's Packing Corporation Everett, Wash."; "Edola Brand Salmon * * * Oceanic Sales Co. Distributors Seattle"; "Seabest Brand Alaska Red Salmon Distributed by R. E. Cotter Co. Seattle Wash."; "Pink Rose Brand * * * Salmon * * * Distributed by F. A. Gosse Company Seattle, Wash."; "Plee-Zing Packed for George W. Simonds Corporation New York City * * * Oceanic Sales Co., Distributors Seattle, U. S. A."; "Plee-Zing Packed for Plee-Zing, Inc., Chicago, Ill. Oceanic Sales Co. Distributors Seattle, U. S. A."; "Blue and White Brand Pink Salmon Red & White Corp'n Distributors * * * Buffalo, N. Y."; "Hypatia Brand * * * Salmon * * * Oceanic Sales Co. Seattle U. S. A. Distributors"; "Alaska Red Sockeye Salmon Oceanic Sales Co. Seattle, U. S. A. Distributors."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On November 17, 1934, pleas of guilty to the four informations were entered on behalf of the defendant company. The penalties imposed were a fine of \$300 and costs of count 1 of the case instituted September 17, 1934, and fines of \$300 on each of the other three counts of the same case, the fines on all counts but count 1 to be suspended. A fine of \$300 and costs was imposed in each of the other three cases, the fines to be suspended on condition that the defendant pay costs in all cases, and the \$300 fine imposed on count 1 of the first case.

M. L. WILSON, *Acting Secretary of Agriculture.*

23882. Misbranding of olive oil and salad oil. U. S. v. Uddo-Taormina Corporation. Plea of guilty. Fine, \$200. (F. & D. no. 32195. Sample nos. 31492-A, 38073-A, 51333-A, 56236-A, 56256-A.)

This case was based on two shipments of olive oil that was short volume, and two shipments of oil consisting principally of cottonseed oil, which was labeled to convey the impression that it was olive oil.

On November 13, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uddo-Taormina Corporation, trading at Brooklyn, N. Y., alleging shipment by said company on or about March 23 and March 24, 1933, from the State of New York into the State of Pennsylvania of quantities of salad oil which was misbranded in violation of the Food and Drugs Act; and on or about June 6, and September 11, 1933, from the State of New York into the States of New Jersey and Texas of quantities of olive oil, which was misbranded in violation of said act as amended. A portion of the olive oil was labeled: "Francescani Brand Imported Virgin Olive Oil * * * Contents 1 Gallon." The remainder of the olive oil was labeled: "Pure Olive Oil * * * Progresso Brand * * * Imported by Uddo Taormina Corp. Italy Net Contents One Gallon." The salad oil was labeled in part: "Vegetable Oil Extra Fine Mixture Pure Olive Oil Oliva Brand Pure Olive Oil Twenty Per Cent Best Quality of Vegetable Oil Eighty Per Cent Excellent Flavor and Color Added * * * Superfine Olive and Salad Oil."

The olive oil was alleged to be misbranded in that the statements, "Contents One Gallon" or "Net Contents One Gallon", borne on the cans were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the cans examined contained less than 1 gallon. Misbranding of the olive oil was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect. Misbranding of the salad oil was alleged for the reason that the statements "Pure Olive Oil" and "Vegetable Oil" in large conspicuous type, the same statements in the Italian language also in large conspicuous type, the brand name of the article, "Oliva", and the conspicuous statement "Olio Sopraffino" together with a design of olive branches borne on the label, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements and design represented that the article was pure olive oil; whereas it was not pure olive oil, but was an article consisting almost wholly of cottonseed oil, and the name of said predominant ingredient was not borne on the container. Misbranding of the salad oil was alleged for the